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D.B. CIVIL SPECIAL APPEAL No.26/2007

1. Jagdish	Vs.	1. N.I.Com.Ltd.
2. Smt. Rajbala		2.Jagdish
		3. Rampratap

Date : 28.11.2007

HON'BLE ACTING CHIEF JUSTICE MR. RAJESH BALIA
HON'BLE MR. JUSTICE BHANWAROO KHAN

Mr. S.K.Sankhla, for the appellant.
Mr. Jagdish Vyas, for the respondent.

Having heard learned counsel for the parties, we are satisfied that there was no reason for staying the entire award when appeal was filed only against the quantum of award. The deceased was 21 years of age leaving behind his father in early forties. Learned Motor Accident Claim Tribunal has awarded Rs. 7 lacs together with compound interest @ 9% per annum at quarterly rests. It was observed by the learned Single Judge that the award is prima facie excessive. However, instead of settling the equities as per such satisfaction of entire award was stayed by considering that Rs. 25,000/- has already been paid to him. Stay of entire award was not even the prayer made by the Insurance Company.

In the facts and circumstances of the case, we are of the opinion that the operation of the award shall remain stayed provided the appellant before the learned Single Judge deposits Rs. 4 lacs with simple interest @ 9%, after adjusting all the

previous deposits.

Appeal is accordingly, disposed of.

[BHANWAROO KHAN], J. [RAJESH BALIA], ACTG.C.J.

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